

REMARKS

Claims 1-14 were pending in this application. The Examiner, in the Office communication mailed 11/19/2003, has withdrawn claims 7-14 from consideration subject to a restriction requirement and election. Claims 1, 2, 5 and 6 are amended herein, new claims 15-17 are added by amendment herein, and claims 3-4 are cancelled by amendment herein. Upon entry of these amendments, claims 1, 2, 5, 6, and 15-17 are under consideration in this application.

It is noted that certain amendments to claims 1, 2, 5 and 6 are made to more clearly communicate the respective claims' combinations.

Election/Restriction

Applicant acknowledges the Examiner's withdrawal of claims 7-14, and the finality of the Restriction requirement upon which this withdrawal is based.

Drawings

Applicant acknowledges that the reference signs "13" and "15" in Figure 1 are not discussed in the specification. Accordingly, and particularly in view of the general understanding of this prior art figure from the overall discussion, enclosed herewith are a marked up Figure 1 indicating the removal of reference signs "13" and "15," and a new, corrected Figure 1 that is without reference signs "13" and "15." Substitution of corrected Figure 1 is hereby requested under 37 CFR 1.85(b).

Claim rejections - 35 U.S.C. 112(2)

Claims 4 and 6 stand rejected under 35 USC 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as their invention.

Claim 4 is cancelled herein. New claims 15-17 recite subject matter having a similar basis as the subject matter of cancelled claim 4. Further, the functional

recitations in new claims 15-17 are definite, so an indefiniteness rejection for these claims is not appropriate.

Claim 6 is amended herein to depend from claim 5 rather than claim 1. Claim 5 introduces "central wastewater treatment facility," thereby providing proper antecedent basis for that recitation in claim 6.

Accordingly, reconsideration and withdrawal of the rejections under 35 USC 112(2) is respectfully requested.

Claim rejections - 35 U.S.C. 102

Claims 1 and 5 stand rejected under 35 USC 102(b) as being anticipated by Coleman et al., US 4,519,999, and, in the alternative, by the prior art disclosed on pages 2-3 of the specification. Claim 5 depends from claim 1.

Claim 1 as amended recites an abatement system comprising burn/wet scrubber and a localized wastewater treatment system itself comprising an ion exchange filter selected to reduce the concentration of a toxic constituent. Coleman et al. does not teach or suggest this combination. Accordingly, the respective combinations of elements as set forth in claims 1 and 5 are not found in Coleman et al., either expressly or inherently, and therefore Coleman et al. does not anticipate claims 1 and 5.

As to the prior art discussed on pages 2-3 of the specification, the prior art does not teach or suggest the combination as recited in claims 1 and 5 as amended herein. In particular, the prior art discussed on pages 2-3 does not teach or suggest the abatement system in the combination claimed in claim 1.

Accordingly, reconsideration and withdrawal of these rejections is respectfully requested in view of the amendments herein to claims 1 and 5.

Claim rejections - 35 U.S.C. 103

Claims 2 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Coleman et al., US 4,519,999, and, in the alternative, by the prior art disclosed on pages 2-3 of the specification.

Claim 2 is amended herein and depends from claim 1. For the reasons stated above, at least claim 1 is allowable over the cited art, so that its dependent claim 2 is also allowable. Further, the prior art does not teach or suggest claim 2's combination, comprising a "plurality of burn/wet scrubbers in fluid communication with [the] wastewater treatment unit" where the latter is comprised of the ion exchange filter as recited in claim 1.

Claim 6 depends on claim 5, which depends on claim 1. Claim 6 is allowable at least for the reasons set forth above for claim 1. Further, claim 6 as amended recites a combination allowable over the teachings of Coleman et al., and over the teachings of the prior art disclosed on pages 2-3 of the specification.

Presumably with regard to claims 2 and 6, the Examiner has cited *St. Regis Paper & Co., v. Bemis Co.*, 193 USPQ 8 for the proposition that providing "... more than one unit in the apparatus of Coleman et al or the admitted prior art on pages 2-3 ..." would have been obvious "... since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art." However, it appears that the rule as applied in *St. Regis Paper* in this regard is "the Lokey bag is only entitled to a patent if the fusion of the old elements that comprised the Poppe patent and the old element of multiple layering created a synergistic combination." As to claims 2 and 6 as amended, it is respectfully stated that 1) the claims as amended are not directed to "mere duplication of essential working parts;" and 2) a synergism is achieved in that, at a minimum, source-specific abatement systems provide individualized and selected reduction of levels of toxic constituents that, in their sum, reduce the burden of such constituents compared to a single abatement system handling heterogeneous sources. Accordingly, reconsideration and withdrawal of this basis of rejection is respectfully requested.

Claims 3 and 4 stand rejected under 35 USC 103(a) as being unpatentable over Coleman et al. (US 4,519,999), or by the prior art disclosed on

pages 2-3 of the specification, in view of Salmen et al. (US 6,140,130) or Filson et al. (US 6,346,195).

Claim 3 is cancelled herein. The recitation of an ion exchange filter in claim 3 has been added by amendment to claim 1.

Claim 4 is cancelled herein. Subject matter having a similar basis as the subject matter recited in claim 4 is now presented in new claims 15-17.

Further as to the basis of this rejection, Applicant respectfully states that the references cited lack a specific motivation or suggestion to modify one of the prior art systems, or to combine the systems such that the combinations of any of the Applicant's claims are thereby suggested and/or envisioned, in some manner, by the prior art. More specifically, neither Salmen et al. nor Filson et al. have any suggestion to use ion exchange in combination with a burner/scrubber and Coleman et al. clearly does not suggest that ion exchange could be used in his system. As such, lacking this, a 35 USC 103(a) obviousness rejection, such as the one directed to claims 3 and 4, is not appropriate.

Also, it is recognized that ion exchange filters were known in the art for a number of years. Yet those of ordinary skill in the art have not combined such filters in combinations as provided by the claims herein. As the Examiner is certainly aware, hindsight reconstruction is impermissible in making obviousness rejections. It is believed that the only way to arrive at the combinations recited in the present claims is to do hindsight reconstruction using the present specification.

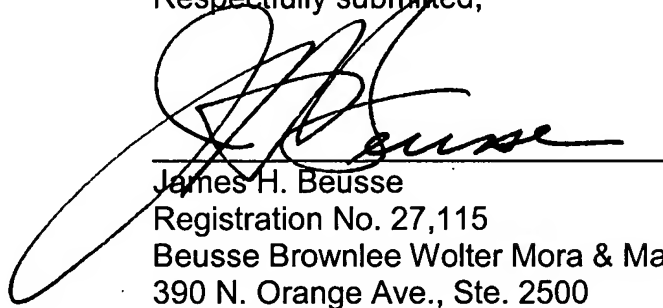
In conclusion, for the reasons provided above, reconsideration and withdrawal of the rejections indicated above are respectfully requested.

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All pending claims having been placed in condition for allowance, expedited passage of this case to issuance is respectfully solicited.

Applicant requests that the Examiner call the undersigned if clarification is needed on any aspect of this response, or if the Examiner believes that any valid basis of non-patentability remains after entrance and consideration of the remarks and amendments presented herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Beusse", is written over a horizontal line. The signature is stylized with large, sweeping loops.

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